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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO / OAKLAND DIVISION

THOMAS ROSENBURG, JOHN  
SHELLY and EXALDO TOPACIO, on  
behalf of themselves and classes of those  
similarly situated,

Plaintiffs,

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant.

Case No. CV 06-00430 PJH

**COLLECTIVE ACTION AND CLASS  
ACTION**

**[REVISED PROPOSED] FINAL  
JUDGMENT**

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2           WHEREAS, on January 11, 2007, this Court granted preliminary approval to a  
3 settlement of this action, embodied in the Settlement Agreement, attached as Exhibit 1 to this  
4 Court's January 11, 2007 order;

5  
6           WHEREAS, the Court granted final approval to the settlement on July 11,  
7 2007, finding that the settlement is fair, reasonable and adequate within the meaning of Federal  
8 Rule of Civil Procedure 23(e) and applicable law; and

9  
10          WHEREAS, the Court has found that the notice sent to the Class Members fairly  
11 and adequately informed the Class and Subclasses of the terms of the settlement, was consistent  
12 with Federal Rule of Civil Procedure 23 and due process, and was given in the manner prescribed  
13 by the Settlement Agreement and the Court's order preliminarily approving the settlement:

14  
15          This Court hereby enters final judgment in this case, and dismisses it with  
16 prejudice, in accordance with the terms of the Settlement Agreement, attached as Exhibit 1 to the  
17 January 11, 2007 order granting preliminary approval, and the Order (1) Confirming Final  
18 Certification of Classes and Collective Action; and (2) Granting Final Approval to Class Action  
19 Settlement ("Final Approval Order"). The Court hereby permanently enjoins and restrains all  
20 individuals from asserting any and all claims that were released pursuant to the Settlement  
21 Agreement and the Final Approval Order. This Final Judgment shall not bind the persons listed  
22 in Exhibit A, who have timely opted out of the settlement class.

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Without affecting the finality of this Final Judgment in any way, the Court reserves exclusive and continuing jurisdiction over this action, the Named Plaintiffs, the Class and Subclasses, and the Defendant for the purposes of (a) supervising the implementation, enforcement, construction and interpretation of the Settlement Agreement, the Preliminary Approval Order, the Final Approval Order, and this Final Judgment and the distribution of Settlement Payments and tax forms; and (b) hearing, determining and implementing the application, in accordance with the terms of the Settlement Agreement, by Class Counsel for an award of attorneys' fees, costs, and expenses and by the Named Plaintiffs for service payments.

IT IS SO ORDERED.

Dated: 7/12/07

